



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,492	10/15/2004	Matthias Muth	DE02 0097 US	4584
65913	7590	12/29/2009	EXAMINER	
NXP, B.V.			AMRANY, ADI	
NXP INTELLECTUAL PROPERTY & LICENSING				
M/S41-SJ				
1109 MCKAY DRIVE				
SAN JOSE, CA 95131				
ART UNIT	PAPER NUMBER			
	2836			
NOTIFICATION DATE	DELIVERY MODE			
12/29/2009	ELECTRONIC			

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/511,492	Applicant(s) MUTH, MATTHIAS
	Examiner ADI AMRANY	Art Unit 2836

—The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

THE REPLY FILED 17 December 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) The period for reply expires ____ months from the mailing date of the final rejection.
- b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

- (a) They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) They raise the issue of new matter (see NOTE below);
- (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. Applicant's reply has overcome the following rejection(s): _____.

6. Newly proposed or amended claim(s) ____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fail to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet

12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.

13. Other: _____.

/Stephen W Jackson/
Primary Examiner, Art Unit 2836

Continuation of 11. does NOT place the application in condition for allowance because: Applicant contends that the voltage supplied to the Kawaguchi logic (ST) is regulated by a zener diode (17). Even if this were true, the Kawaguchi logic circuit still meets the recited limitation of "configured to receive the DC input voltage to power the logic circuitry even when the DC/DC converter is switched off." It would be obvious to one skilled in the art that the voltage provided to the ST terminal is sufficient to power the logic circuit. And as shown by the figure, the voltage at ST is coupled to the input voltage (VJ). Therefore, under the standards of §103(a), Kawaguchi meets the recited limitations.

Regarding applicant's reference to US Patent 5,336,924, applicant is reminded that all reference citations must be included in an Information Disclosure Statement.

Applicant next argues that since the voltage is always present at HVI and ST, the logic circuit is never powered when the DC/DC converter is off (Remarks, bridging paragraph, pages 6-7). However, just because voltage is present at HVI does not mean that the DC/DC converter is on. Kawaguchi specifically recites "The DC-DC converter 6 starts DC-DC conversion when a specified voltage is supplied to a starting control input terminal ST" (col. 5, lines 39-41). Thus, Kawaguchi meets the limitation that the logic circuit can be on while the DC-DC converter is off.

The Examiner agrees that the Kawaguchi converter operates in response to the battery voltage level (Remarks, page 7). This voltage level, however, meets the broad limitation that the logic circuit provides the on-off signal "in response to an idle state in which the set of circuit elements are switched off." If vehicle loads are on, then this power drain can be measured at the battery terminals. This is possible because when the vehicle engine is off, the battery is the only source of power. It is noted that the claim does not indicate if the converter is turned on when the circuit elements are idle, or if the converter is turned off. Also, the limitation of "in response" is broad and opens the interpretation of the claim analysis to include indirect sensing of the idle state. Lastly, Kawaguchi discloses that the status of the vehicle headlamps can be detected by measuring the battery voltage (col. 8, lines 20-34). Therefore, measuring battery voltage meets the limitation of "in response to an idle state."